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Rogelio Sosa

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BAKER BOTTS L.L.P.

PATENT DEPARTMENT

98 SAN JACINTO BLVD., SUITE 1500

AUSTIN, TX 78701-4039

EXAMINER

COLBERT, ELLA

ART UNIT

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROGELIO SOSA and
BERTRAND SOSA

Appeal 2009-012765
Application 09/662,222
Technology Center 3600

Decided: May 12, 2010

Before HUBERT C. LORIN, ANTON W. FETTING, and
JOSEPH A. FISCHETTI, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants, Rogelio Sosa and Bertrand Sosa, seek our review, under 35 U.S.C. § 134 (2002), of the Examiner's final decision rejecting claims 1-5, 7-13, 15-29, 31, 32, 34-42, and 44-48. We have jurisdiction over the appeal under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We REVERSE.

BACKGROUND¹

Appellants' invention "relates to e-commerce, and more particularly, to a charge number issuing system and method that provides a universally-accessible, anonymous and secure online payment option for users and consumers." Specification 1:14-16.

Claim 1, reproduced below, is illustrative of the subject matter on appeal.

1. A method of issuing and transacting charge numbers by an issuing and transaction system using an electronic communications network, comprising:

receiving a plurality of valid charge numbers from an issuing bank, wherein each valid charge number is acceptable to any entity that accepts valid charge numbers that are provided to a charge

¹ Our decision will make reference to the Appellant's Appeal Brief ("Br.," filed December 12, 2008); the Examiner's Answer ("Ans.," mailed April 2, 2009) and the Final Office Action ("Final," mailed June 10, 2008).

settlement network and routed by the charge settlement network to the issuing and transaction system for validating transactions;
storing the plurality of valid charge numbers in a memory device of the issuing and transaction system;
establishing a prepaid cash account for a user in exchange for cash;
detecting a request by the user for one of a plurality of valid charge numbers;
associating one of the plurality of valid charge numbers with the prepaid cash account;
providing, via the electronic communications network, the associated valid charge number in response to the request;
detecting, via the charge settlement network, a purchase transaction using the associated valid charge number between the user and a merchant; and
authorizing the purchase transaction if a cash balance of the prepaid cash account is sufficient for a purchase amount of the purchase transaction.

THE REJECTION

The Examiner relies on the following prior art references as evidence of unpatentability:

Stimson	US 5,577,109	Nov. 19, 1996
Risafi	US 6,473,500 B1	Oct. 29, 2002

Appellants appeal the following rejection:

1. Claims 1-5, 7-13, 15-29, 31, 32, 34-42, and 44-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Stimson and Risafi.

APPELLANTS' CONTENTIONS

Appellants' major contention is that the cited prior art combination fails to disclose the step "providing, via the electronic communications network, the associated valid charge number in response to the request" (claim 1). *See* Br. 8 ("Stimson and Risafi are both card-based systems and simply do not address electronically communicated charge numbers in the manner recited in the claims.").

The Examiner had found that Stimson "discloses ... providing, via the electronic communications network, the associated valid charge number in response to the request (col. 7, ll. 26-45)." Final 3 and Ans. 5. The Examiner also cited Stimson col. 6, ll. 20-44. Final 15 and Ans. 17.

The Appellants responded by arguing that "[i]n Stimson (including col. 6, lines 20-44 and col. 7, lines 26-45) a serial number is provided on a card 'or not.'" Br. 8.

Claim 1 recites a method not limited to the use of physical cards in which the valid charge number is provided electronically rather than being encoded on a physical card. Although Stimson suggests that the security number might not be encoded on a card, Stimson does not show or suggest receiving a valid charge number in response to a request conducted via an electronic communications network.

Br. 8.

ISSUE

Does Stimson disclose the step "providing, via the electronic communications network, the associated valid charge number in response to the request" (claim 1) as the Examiner has asserted?

FACTUAL FINDINGS

We adopt all of the Examiner's findings as our own. Ans. 3-16, Final 3-14.

ANALYSIS

I: claims 1-5, 7-13, and 15-25

These claims are process claims, claim 1 being the sole independent claim.

The Appellants' argument that Stimson does not disclose or render obvious the step "providing, via the electronic communications network, the associated valid charge number in response to the request" (claim 1) as claimed is persuasive.

The Appellants argue that Stimson, like Risafi, is a card-based system. That argument, *per se*, is not persuasive because claim 1 is not limited so as to exclude card-based systems. There is no requirement that any of the steps claimed must be conducted without the use of a card. While the claim steps of "detecting a request by the user for one of a plurality of valid charge numbers" and "providing . . . the associated valid charge number in response to the request" are necessarily conducted via an electronic communications network, the source of the request is unstated and could broadly cover a card as the source of the request.

In that regard, Stimson (col. 7, ll. 26-45) discloses a card-based system whereby, upon swiping a card in a card reader of an activation terminal, the terminal transmits information to a host computer and, in return, "[t]he clerk or user ... is informed that the security number on the card has been activated for the amount shown". Stimson does not otherwise

explain the manner by which the clerk or user is informed that the security number on the card has been activated. There is no discussion in this passage of charge numbers, valid or not, or of communicating them to the user, whether requested or not. The passage in Stimson at col. 6, ll. 20-44 is similarly devoid of disclosure communicating charge numbers.

Accordingly, we agree with the Appellants. The claim step of “providing ... the associated valid charge number in response to the request” is not disclosed in Stimson as the Examiner has asserted.

II: claims 26-29, 31, 32, and 34-41

These claims are apparatus claims, claim 26 being the sole independent claim.

These claims require an “issuing and transaction system” for performing the functions of “detect[ing] a request by a user for a charge number” and “issu[ing] a selected one of the plurality of valid charge numbers via the electronic communications network” (claim 26). For the same reasons discussed above with respect to the method claims, we agree with the Appellants, that these features are not disclosed in Stimson as the Examiner has asserted.

III: claims 42 and 44-48

These claims are apparatus claims, claim 42 being the sole independent claim.

These claims require an “issuing and transaction system” for performing the functions of “detect[ing] requests for charge numbers” and “provid[ing] a selected one of the plurality of valid charge numbers via the

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electronic communications network” (claim 42). For the same reasons discussed above with respect to the method claims, we agree with the Appellants, that these features are not disclosed in Stimson as the Examiner has asserted.

ORDER
REVERSED

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